

REMARKS

Claims 1-10 and 20-29 remain pending in the present application. Claims 11-19 have been cancelled. Claims 1 and 26 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Mai for the courtesies extended to him during the personal interview on December 18, 2007. During the interview, above Claims 1 and 26 were discussed. The differences between the cited reference and claims were pointed out.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The Examiner has rejected Claims 1, 2, 7, 9, 22-25 under 35 U.S.C. §102(b) as being anticipated by Hucknall (U.S. Patent No. 2,584,270). The Examiner alleges that Hucknall discloses Applicant's claims.

Independent Claim 1 defines a band portion having a desired length including first and second free ends. A transparent window has a desired length and includes first and second ends. The first end of the window is permanently interconnected with the first free end of the band. The second end of the window is permanently interconnected with the second free end of the band portion. The transparent window is positioned in between the first and second free ends of the band portion.

The Hucknall reference cited by the Examiner fails to anticipate Applicant's claims. Hucknall illustrates a band which includes an opening in the middle of the band. The free ends of the band are secured with one another. Accordingly, Hucknall fails to anticipate Applicant's claims.

Accordingly, Applicant believes Claim 1, as well as Claims 9-10 and 20-25 which depend from Claim 1, to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 1, 2, 3, 6, 7, 9, 10, 20 and 22-24 under 35 U.S.C. §102(b) as being unpatentable over Tsui (U.S. Patent No. 6,085,449).

The Tsui reference cited by the Examiner illustrates two free ends which include clasps that attach to an identification badge. This is unlike Applicant's claims which require the ends to be permanently secured a window. Accordingly, Tsui fails to anticipate Applicant's claims. Accordingly, Applicant believes Claim 1, as well as dependent Claims 2-10 and 20-25, to be patentably distinct over the Examiner's reference.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The Examiner has rejected Claims 1, 2, 7, 9, and 20-25 under 35 U.S.C. §103(a) as being unpatentable over Hucknall.

Independent Claim 1 has been amended to define the band as well as the window connected to one another such that the window is positioned in between the first and second ends of the band. As was pointed out at the interview, Hucknall fails to illustrate these features of Claim 1. In fact, Hucknall teaches away from Applicant's claims. Hucknall teaches attaching the free ends of the band to one another. This is unlike Applicant's claim which claims the window attached between the free ends. Also, Hucknall illustrates an opening to receive a lens in the middle of the band. Applicant's claims do not include an opening as illustrated in Hucknall. Accordingly, Applicant believes Claim 1, as well as dependent Claims 2-10 and 20-25, to be patentably distinct over the Hucknall reference.

The Examiner has rejected Claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Hucknall further in view of Brady (U.S. Patent No. 5,704,067).

The Brady reference cited by the Examiner fails to overcome the deficiencies of Hucknall. Accordingly, Applicant believes Claims 3 and 4 to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 5, 10, and 20-29 under 35 U.S.C. §103(a) as being unpatentable over Hucknall further in view of Lerro (U.S. Patent No. 4,078,660).

The Lerro reference fails to overcome the deficiencies of Hucknall. Accordingly, Applicant believes Claims 5, 10, and 20-29 to be patentably distinct over the Examiner's combination.

The Examiner has rejected Claims 26-29 under 35 U.S.C. §103(a) as being unpatentable over Hucknall further in view of Brady.

Claim 26 has been patterned after Claim 1. Accordingly, the above remarks with respect to Claim 1 equally apply to Claim 26. Accordingly, Applicant believes Claim 26-29 to be patentably distinct over the Examiner's combination.

The Examiner has rejected Claim 6 under 35 U.S.C. §103(a) as being unpatentable over Hucknall further in view of Worth (U.S. Patent No. 5,924,135) or Karpf (U.S. Patent No. 1,857,195).

The Worth or Karpf reference fails to overcome the deficiencies of Hucknall. Accordingly, Applicant believes Claims 6 to be patentably distinct over the Examiner's combination.

The Examiner has rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Hucknall further in view of Brady and Lerro.

Both the Brady and Lerro references fail to overcome the deficiencies of Hucknall. Accordingly, Applicant believes Claim 8 to be patentably distinct over this combination.

The Examiner has rejected Claims 1, 2, 3, 6, 7, 9, 10, 20 and 22-24 under 35 U.S.C. §103(a) as being unpatentable over Tsui (U.S. Patent No. 6,085,449).

The Examiner has rejected Claims 1 and 26 under 35 U.S.C. §103(a) as being unpatentable over Tsui. As mentioned above Tsui fails to illustrate Applicant's claims.

The Examiner has rejected Claims 4 and 25 under 35 U.S.C. §103(a) as being unpatentable over Tsui in view of Brady. The combination of Brady fails to overcome the deficiencies of Tsui. Accordingly, Applicant believes Claims 4 and 25 to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 26, 27 and 29 under 35 U.S.C. §103(a) as being unpatentable over Tsui in view of DeWoskin (U.S. Patent No. 4,606,079). The DeWoskin reference fails to overcome the deficiencies of the Tsui reference. Accordingly, Applicant believes Claims 26, 27 and 29 to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience.


Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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